HON. DALE E. IHLENFELDT: The Real Judge

By Margaret Dee McGarity

Dale E. Ihlenfeldt, retired bankruptcy judge for the Eastern District of Wisconsin, died on December 28, 2011, at the age of 92. He was born and raised in Wisconsin and attended the University of Wisconsin in Madison, graduating with an accounting degree in 1940. After serving in the Navy in World War II, he graduated from the University of Wisconsin Law School in 1949. He practiced law in Milwaukee and then served as law clerk to the Hon. Robert Tehan, U.S. District Judge for the Eastern District of Wisconsin. He was clerk of the district court for 12 years when Judge Tehan appointed him Referee in Bankruptcy in 1966. He "retired" as a bankruptcy judge in 1986 and served as a recall judge with a full case load until 1995. He and his wife of 57 years, Elinor (Elly), had seven children, six of whom survive, and many grandchildren.

So much for the dry statistics, which in no way describe the nature of the man. He was given the nickname "The Real Judge" by my colleague Russ Eisenberg, who took his place at a hearing out of Milwaukee. The debtor looked at him and said, "Where's the real judge?" The name stuck because it fit.

Dale was never content to just do his job and go home, although he was clearly crazy about his family. He served as Treasurer for the Seventh Circuit Bar Association for many years, and anyone who has worked with bar associations knows what a burden that is. He served as a Seventh Circuit representative on the NCBJ Board. He kept a notebook of case summaries, which became the case update for the annual State Bar Bankruptcy educational program for more years than memory can recall. Many of us kept copies and referred to them often. These case summaries were also useful in the preliminary stages of matters that came before him, when he would quote from them and hand out copies. He told me early in my judicial career that if you explain the law you will be applying, the parties know their facts and they will settle. It often works quite well.

Dale was constantly in teaching mode. He shared his considerable knowledge with attorneys and other judges, and it made no difference whether the setting was a formal seminar or at his bag lunches, where anyone interested in discussing chapter

13 was invited. On the bench he explained his rulings in great detail, so there was no question whether he had heard and understood the issues and arguments. And he offered sympathy and encouragement to litigants and attorneys who were not successful in contested matters. As one who appeared before him many times, it was possible to lose and feel good about your performance anyway. The Eastern District of Wisconsin Bar Association's award for contributions to the bankruptcy system was appropriately named for him, and he was the first honoree.

Dale's mentoring continued for all the judges as well. When I was first appointed, I could hear him bounding up the stairs outside my office (elevator? nah) before he sailed in, without preamble, to give me another nugget of wisdom. One such nugget was, "Remember, you can always vacate your own orders." In other words, if you feel you have made a mistake, fix it. He admitted he had done that himself. It was a great comfort to a new judge.

Dale's generosity did not stop at sharing what he knew. When he traveled to Racine, he brought back kringles (a local pastry specialty) for the clerk's office and other judges, and he had a special cheese place in Green Bay that benefitted all of us. And he loved to pick fruit. Once he gave me a ride to a conference, and insisted that I bring clothes for a pick-it-yourself strawberry place along the way. So not my thing, but he was happy as can be out in that field. He would pick cherries in northern Wisconsin (my kids called him the berry man) and peaches when he sat as a visiting judge in southern Indiana. Then he would travel house to house among his friends handing out free produce.

After he fully retired, Dale's generosity extended to the local community. He was active in his church, worked as a poll worker (and I heard about it one time when I didn't show up to vote!), volunteered at the public library, and he audited classes at the local university. His middle name was Elwood, but it might as well have been Energizer. He kept up an exhausting pace until lymphoma slowed him down about a year ago.

Glowing accounts by attorneys and judges of their experiences with Dale over the years keep using the word "gentleman." He was, but that term seems a tad stuffy to me, and Dale did not have a stuffy cell in his body. "Mensch" is more like it, even though he was a Presbyterian.

The last day Dale served as a sitting judge, I happened to be giving a talk at the Milwaukee Bar Association, so I took the opportunity to tell this story. He tried to

shut me up, but he couldn't then and can't now. I was a chapter 7 trustee and attended a hearing with the creditor's attorney and brand new attorneys for the debtor. They were trying very hard to defend it, but they clearly didn't get the concept. Both the creditor's attorney and I had been around the block a few times and knew it was hopeless. We didn't say anything while Dale explained the process, the law, and the policy at issue, very kindly and in great detail. They learned a lot, lost, but left with their dignity totally intact. Later, I passed the creditor's attorney in the hall of the court house. He walked right by me without looking me, but he said in a voice just loud enough for me to hear, "I just love Dale Ihlenfeldt." That pretty much sums up the consensus in the bankruptcy community. In his case, it was a million and one small acts that made up a great career, a great judge, and a great man.